S.B. CRIMINAL REVISION PETITION NO.916/2007
(Moola Ram Vs. Smt. Radha)

Date :: 29.08.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.Sunil Mehta, for the petitioner.

Heard learned counsel for the petitioner.

It is contended by learned counsel for the petitioner that against the order of granting interim maintenance, the petitioner has already filed a revision petition before the revisional Court and the same is pending. Thus, it is clear that the order granting interim maintenance is under challenge before the revisional court. However, learned trial court has passed an order dated 17.8.2007 for recovery of arrears of interim maintenance under Section 125 (3) Cr.P.C. which order is under challenge in this petition.

I see no reason to interfere with the order impugned while exercising revisional jurisdiction because there is liberty left with the petitioner to file application for stay against the order dated 17.8.2007 in the revision petition filed by the petitioner against the order of interim maintenance which is said to be pending before the revisional court at Bikaner.

In these circumstances, this revision petition is dismissed with

liberty to the petitioner to move an application for staying the proceedings before revisional court and if petitioner prefers such application within a period of ten days, then the same may be decided on merit by the learned trial court.

(GOPAL KRISHAN VYAS), J.

A.K. Chouhan/-